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TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number 09/495,556

Filing Date February 1, 2000

First Named Inventor Eric H. Kuhrt

Art Unit 1615

Examiner Name Tran, Susan T.

Attorney Docket Number 21208

ENCLOSURES (Check all that apply)

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<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	THORPE NORTH & WESTERN, LLP		
Signature			
Printed name	Gary P. Oakeson		
Date	May 3, 2005	Reg. No.	44,266

CERTIFICATE OF TRANSMISSION/MAILING

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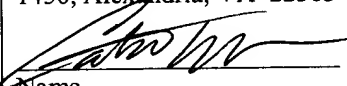
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APPLICANT:	Eric H. Kuhrts	CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8 I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, under 37 C.F.R. § 1.8 on the date indicated below and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  Name 5-3-05 Date of Deposit
SERIAL NO.:	09/495,556	
FILING DATE:	02/01/2000	
FOR:	SUSTAINED-RELEASE MICROENCAPSULATED DELIVERY SYSTEM	
ART UNIT:	1615	
EXAMINER:	Tran, Susan T.	
DOCKET NO.:	21208	
CONFIRM. NO.:	5012	

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Commissioner for Patents
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Sir:

The present comments are in response to the Notice of Allowability mailed on April 4, 2005, which included Examiner's Reasons for Allowance. On page 4, lines 1-3 of the Notice of Allowability, the Examiner stated the following:

"The Reason for allowance of the product claims is the use of the transitional phrase "consists of" to exclude all other components use in the microencapsulated formulation but what is disclosed in claims 94 and 102."

This statement is inaccurate. The relevant portion of claim 94 reads as follows:

“ . . . the microencapsulated core material is microencapsulated by a formulation
that consists essentially of an animal or vegetable oil. . . ”

In other words, it is only the formulation that microencapsulates the core material that is modified by the transitional phrase “consists of.” Thus, the coating of the product consists of an animal or vegetable oil. The same type of claim construction holds true for claim 102, the relevant portion of which reads:

“ . . . the microencapsulated core material is microencapsulated by a formulation
that consists of a sugar or a mineral and an animal or vegetable oil. . . ”

If any impediment to the allowance of these claims remains after consideration of the above remarks, and such impediment could be removed during a telephone interview, the Examiner is invited to telephone the undersigned attorney at (801) 566-6633 so that such issues may be resolved as expeditiously as possible.

Please charge any additional fees except for Issue Fee or credit any overpayment to Deposit Account No. 20-0100.

Dated this 3 day of May, 2005.

Respectfully submitted,



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